



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,650	10/30/2003	Vincent Cedric Colnot	P1984	7793

24739 7590 10/30/2007
CENTRAL COAST PATENT AGENCY, INC
3 HANGAR WAY SUITE D
WATSONVILLE, CA 95076

EXAMINER

GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
----------	--------------

2135

MAIL DATE	DELIVERY MODE
-----------	---------------

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,650	Applicant(s) COLNOT, VINCENT CEDRIC	
	Examiner Tom Gyorfi	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 and 15-22 remain for examination. The correspondence filed 8/9/07 amended claims 1 and 16.

Response to Arguments

2. Applicant's arguments filed 8/9/07 have been fully considered but they are not persuasive. Applicant primarily argues that Atsmon does not teach all the limitations of the claims, seeing as that the smart card in Atsmon communicates with the PC via sound waves. However, Atsmon discloses wherein in at least one embodiment of that invention, the acoustic waves transmitted between the smart card and the PC are DTMF-encoded (col. 11, lines 1-3; cf. col. 2, lines 40-60). DTMF tones are modulated signals, and therefore, this embodiment reads on the claims.
3. It is further observed that Applicant's arguments to date have presumed that the claims recite wherein the smart card is physically connected to the card reader in order to transmit a [non-acoustic] modulated signal; however, a close analysis of the claim language reveals that at no point is such a coupling recited; although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Any prior art for the claims need only teach a smart card communicating with a device capable of reading the modulated signal while coupled to a microphone input of a PC, wherein the card reader performs no processing of its own; the microphone that receives a modulated audio signal from the smart card and relays it to the PC just as

disclosed by Atsmon thus clearly meets the broadest reasonable interpretation of "card reader". In fact, this is corroborated by Atsmon's disclosure in that the novelty of that invention lay at least in part in the fact that one can read data from a smart card without the use of a dedicated smartcard reader (col. 2, lines 55-60). Examiner was thus in error to have previously indicated in the Office Action of 5/15/07 that there existed at least one limitation of the independent claims not disclosed by Atsmon, as Examiner employed the unnecessarily strict interpretation of the claim language as discussed herein in evaluating the prior art. The rejections have been re-written based upon the precise claim language presented in the amendment of 8/9/07.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-11, 13, and 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Atsmon et al. (U.S. Patent 6,607,136).

Regarding claim 1:

Atsmon discloses an apparatus for securing online transactions on the Internet comprising: a card reader plugged into the microphone input of the PC sound card (col. 3, lines 52-63); a smart card transmitting an identification sequence to the microphone input of the PC in the form of a modulated signal (element 10 of Figure 1; col. 31, lines 29-55; col. 11, lines 1-3); and a PC applet demodulating the identification sequence,

Art Unit: 2135

and characterized by the absence of processing means within the card reader (col. 32, lines 25-50 and 64-67; see also paragraph #3 above).

Regarding claim 16:

Atsmon discloses a method for securing online transactions on the Internet comprising: providing a smart card for transmitting an identification sequence from the smart card to a PC in the form of a modulated signal (element 10 of Figure 1; col. 31, lines 29-55; col. 11, lines 1-3); plugging a card reader into the microphone input of the PC sound card the card reader devoid of processing means (the microphone: col. 3, lines 52-63); transmitting the modulated signal directly from the smart card to the microphone input via the card reader (Ibid; col. 8, lines 3-8; col. 32, lines 38-42); and demodulating the identification sequence by a PC applet (col. 32, lines 25-50 and 64-67; see also paragraph #3 above).

Regarding claim 2 and 17:

Atsmon further discloses wherein the identification sequence comprises at least a unique card number (col. 16, lines 30-31) and a random number valid only once (col. 81, lines 45-50).

Regarding claim 3 and 18:

Atsmon further discloses wherein the random number is a session key which is not transmitted to the authentication server (col. 16, lines 33-35).

Regarding claim 4 and 19:

Atsmon further discloses wherein the session key is a function of the previous one emitted by the card (col. 16, lines 60-65).

Regarding claim 5 and 20:

Atsmon further discloses wherein the session key is used by the PC applet to generate a message authentication code of the password entered by the user; said first MAC is transmitted to the authentication server along with the card number (col. 52, lines 30-45; see also col. 32, lines 64-67).

Regarding claim 6 and 21:

Atsmon further discloses wherein the server generates a second MAC of the password stored in the server authentication database, using a session key deduced from the previous session key also stored in the database (col. 60, lines 20-38; see also col. 16, lines 60-67).

Regarding claim 7 and 22:

Atsmon further discloses wherein the authentication is valid only if said first and second MAC are identical; and wherein the authentication server replaces Ki-1 with Ki and Ki cannot be reused (col. 78, lines 11-38).

Regarding claim 8:

Atsmon further discloses wherein the smart card is powered by the voltage provided by the microphone input of the PC sound card (col. 3, lines 52-57).

Regarding claim 9:

Atsmon further discloses wherein the smart card transmits the modulated signal when the switch of the card reader is pressed by the user (col. 28, lines 6-18).

Regarding claim 10:

Atsmon further discloses wherein at least one embodiment of the invention conforms to the ISO standards for smart cards (col. 25, lines 10-15). Consequently, it is inherent to such embodiments that the smart card transmits the modulated signal to the microphone input through ISO contact C6 (see also the ISO7816 reference, page 3).

Regarding claim 11:

Atsmon further discloses wherein at least one embodiment of the invention conforms to the ISO standards for smart cards (col. 25, lines 10-15). Consequently, it is inherent to such embodiments that the smart card transmits the modulated signal when the ISO contact C2 is pulled down (see also the ISO7816 reference, page 3).

Regarding claim 13:

Atsmon further discloses wherein the card reader further comprises a battery cell powering the card (col. 3, lines 52-57; see also element 251 of Figure 26). It is inherent to the SoundBlaster cards used in the preferred embodiment of Atsmon (col. 31, lines 30-35) that they possess line inputs which exist as alternatives to plug other miscellaneous devices into (for illustration, see the enclosed Creative Sound Blaster manual, page 1-7). Also see MPEP 2163.07(a).

Regarding claim 15:

Atsmon further discloses wherein the card reader is further integrated into the PC unit (col. 3, lines 48-52).

Claim Rejections - 35 USC § 103

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atsmon, and further in view of ISO 7816.

Regarding claim 12:

Atsmon further discloses wherein at least one embodiment of the invention conforms to the ISO standards for smart cards (col. 25, lines 10-15). The ISO discloses only one set of power contacts for one power source (C1 and C5, ISO 7816, page 3, section 2.2.3). However, Atsmon has an embodiment where the smart card is in contact with multiple power sources exist: both a battery on the card (element 251 of

Figure 26) and a power supply in the reader (col. 3, lines 52-57); furthermore, contacts C4 and C8 were left reserved for future use. (see ISO 7816, page 4, section 2.3.1). It would have been obvious to use those contacts to allow both power sources to be connected to the card simultaneously, as the motivation for doing so would be to allow the card to recharge the battery (Atsmon, col. 3, lines 52-57).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- PCT Applications WO96/10880, WO94/17498, WO93/21720 & WO93/11619
- U.S. Patents 5,583,933 and 6,282,491
- "The DTMF encoding" web page, establishing general knowledge in the art

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action¹. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

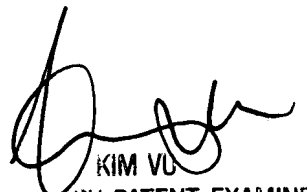
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
10/26/07


KIM VU
PATENT EXAMINER
TECHNOLOGY CENTER 2100

¹ Claim 1 was amended to additionally recite wherein the signal is sent specifically to the microphone input, which technically is a new limitation not found in previous iterations of the claim(s).